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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,958	10/01/2003	Joe Shochet	54317-023301	9262
46560 7590 08/20/2008 THE WALT DISNEY COMPANY C/O GREENBERG TRAURIG LLP 2450 COLORADO AVENUE SUITE 400E SANTA MONICA, CA 90404				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,958

Applicant(s)

SHOCHET ET AL.

Examiner

LIN LIU

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 24-28 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 24-28 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communications filed on 07/09/2008.

Claims 1-7, 24-28 and 44-47 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/09/2008 has been entered.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Claim 1 recites "at lease one other user", the examiner believe it is a typo for "at least one other user". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims **1-7, 24-28 and 44-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Harvey et al. (PGPUB: US 2002/0059379 A1)** in view of **Maehiro (PGPUB: US 2002/0062348 A1)** and **Lange et al. (PGPUB: US 2003/0237055 A1)**.

With respect to **claim 1**, Harvey teaches a method for initiating communication in real-time between two users in a multi-user communication environment (Harvey: fig. 1), the method comprising:

providing an invitation generated by a multi-user communication environment to a first user in the multi-user environment during an exchange of words between the first user and at least one other user (Harvey: page 6, paragraphs 55-57, noted that the creator sets text, which includes greetings), the code being transmitted by the first user to the at least one other user via a mode outside of the multi-user communication environment (Harvey: page 7, paragraphs 64 & 69);

initiating secure free form communication between the users upon the unique code being authenticated in with the multi-user communication environment after the unique code is submitted to the multi-user communication environment by the at least one other user (Harvey: fig. 3, page 7, paragraph 66 and page 13, paragraphs 127-128,

noted that the invited user is approved by the central controller and launches the application to establish a communication with the community.).

However, Harvey does not explicitly teach that the invitation comprise of a unique code, and a method of exchanging words from a menu of predetermined words between the first user and at least one other user.

In the same field of endeavor, Maehiro teaches that the invitation comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3, paragraphs 38-39, noted that the invitation data format includes user ID number.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the invitation data format as taught by Maehiro in Harvey's invention in order to allow the server to efficiently identify the area of the database (Harvey: page 1, paragraph 14).

However, the combined method of Harvey-Maehiro does not explicitly teach a method of exchanging words from a menu of predetermined words between the first user and at least one other user.

In the same field of endeavor, Lange teaches a method of exchanging words from a menu of predetermined words between the first user and at least one other user (Lange: page 7, paragraphs 82-84, noted that when the user misspelled the words, a selection of a corrected words are display on a menu).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of presenting a predetermined and corrected words on a menu to the user as taught by Lange in the combined method of

Harvey-Maehiro's invention in order to help the user in correcting the misspelling of words entered by the user (Lange: page 7, paragraph 82).

With respect to **claim 2**, Harvey teaches the method according to claim 1, wherein the invitation is provided by the multi-user communication environment (Harvey: fig. 1, and page 7, paragraphs 64-67.).

However, Harvey does not explicitly teach that the invitation comprise of a unique code.

In the same field of endeavor, Maehiro teaches that the invitation comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3, paragraphs 38-39, noted that the invitation data format includes user ID number.).

With respect to **claim 3**, Harvey teaches the method according to claim 2, wherein the multi-user communication environment is an online multiplayer gaming environment (Harvey: fig. 6, page 4, paragraph 39 and page 12, paragraphs 121-123, gaming environment.).

With respect to **claim 4**, Harvey teaches the method according to claim 1, wherein the invitation is transmitted by the first user through at least one of an email program, a telephone conversation, a handwritten note, a chat room program, direct communication, a instant message program, and a facsimile (Harvey: page 7, paragraph 64.).

With respect to **claim 5**, Harvey teaches the method according to claim 1, wherein the first user initiates real-time and secure communication with the at least one

other user after the code is authenticated in the multi-user communication environment (Harvey: page 7, paragraph 66 and page 13, paragraphs 127-128).

With respect to **claim 6**, Harvey teaches the method according to claim 1, wherein the code comprises a sequence of symbols (Harvey: fig. 3, page 7, paragraphs 64-66 and page 13, paragraph 127, noted the invitation message.).

With respect to **claim 7**, Harvey teaches all of the claimed limitations, except that he does not explicitly teach that the code comprises a sequence of alpha-numeric symbols.

In the same field of endeavor, Maehiro teaches that the invitation comprise of a unique code (Maehiro: fig. 5, page 1, paragraphs 11 and 14, and page 3, paragraphs 38-39, noted that the invitation data format includes user ID number.).

In regard to **claims 24-26**, the limitations of these claims are substantially the same as those in claims 1, 3 and 6. Therefore the same rationale for rejecting claims 1, 3 and 6 is used to reject claims 24-26. By this rationale **claims 24-26** are rejected.

With respect to **claim 27**, Harvey teaches the computer readable media according to claim 24, wherein the invitation is provided in response to a request by the first one of the two users (Harvey: fig. 3, page 7, paragraphs 64-66 and page 13, paragraph 127).

With respect to **claim 28**, Harvey teaches the computer readable media according to claim 24, wherein the unique code is valid for a limited period of time (Harvey: fig. 5, page 11, paragraphs 112-113).

In regard to **claim 44**, the limitations of this claim are substantially the same as those in claim 1. Therefore the same rationale for rejecting claim 1 is used to reject claim 44. By this rationale **claim 44** is rejected.

With respect to **claim 45**, the combined method of Harvey-Maehiro teaches all of claimed limitations except that they do not explicitly teach a method of including a predetermined set of word in the menu of predetermined words.

In the same field of endeavor, Lange teaches a method of including a predetermined set of word in the menu of predetermined words (Lange: fig. 6, and page 7, paragraphs 82-84). Same motivation used in claim 1 applies equally as well to claim 45.

In regard to **claims 46-47**, the limitations of these claims are substantially the same as those in claims 27-28. Therefore the same rationale for rejecting claims 27-28 is used to reject claims 46-47. By this rationale **claims 46-47** are rejected.

Response to Arguments

7. Applicant's arguments with respect to claims 1-7, 24-28 and 44-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./

/Lin Liu/

Examiner, Art Unit 2145

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155